

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION

FILED  
DISTRICT COURT  
IV  
2012 OCT 10 AM 9:10

CLERK C. Robinson  
SD. DIST. OF GA.

MICHAEL DEREK VONN FOSTER,

Petitioner,

v.

CIVIL ACTION NO.: CV212-099

TOM GRAMIACK, Warden, and  
ATTORNEY GENERAL OF THE  
STATE OF GEORGIA,

Respondents.

**ORDER**

After an independent review of the record, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court.

Respondent's Motion to Dismiss is **GRANTED**. The Petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254, is **DISMISSED**, as untimely filed. The Clerk of Court is hereby authorized and directed to enter an appropriate Judgment of Dismissal.

SO ORDERED, this 10 day of October, 2010.

  
LISA GODBEY WOOD, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA